

Response to Office of Planning April 8 2024, Post-hearing Supplemental Report: Zoning Commission Case No. 23-02.

Black Neighbors of 1617 U Street, NW Party

Despite the fact that we have not been provided access to the March 18, 2024 written transcript, and that the OP Supplemental report dated April 8, 2024 represents substantial material changes to this case with significant new evidence that deserves cross examination, the Black Neighbors of 1617 U Street, NW would like to submit the following initial thoughts and comments in response to the Office of Planning's [Post-hearing Supplemental Report: Zoning Commission Case No. 23-02](#) submitted just one week ago.

Notwithstanding our open and unacknowledged contest of the absolute lack of community engagement by OP (to this day there has been no attempt to discuss directly with the Black Neighbors party), a key concern regarding the Office of Planning's proposal to upzone 1617 U Street from MU-4 to MU-10 is the further displacement of DC's black, brown, and low-income residents. [Census tracts](#) show that, during the 1990's one thousand black people lived in the U Street area compared to only roughly 100 today.

As discussed in previous filings to the record since the beginning of the case, the Black Neighbors of 1617 U Street, NW believe the future of any rezoning and redevelopment at this critically important and large site offers the very real chance to use public property to meaningfully repair past harms of displacement. Yet, here now, OP continues to propose a high-rise rezoning that will result in hundreds of unaffordable units, threatening to use our land to perpetuate these very harms of displacement.

30% to 50% Affordability is Not Enough

On page six of the post-hearing supplemental report, the Office of Planning argues that the construction of 30% affordable units as required by District Law 10-801 would mitigate displacement pressures prompted by the construction of hundreds of new market-rate housing units at 1617 U Street.

To support this claim, OP cites page 12 of University of California and Berkeley's Urban Displacement Project [report](#) that says displacement could be mitigated with a mid-size building made up of entirely affordable or subsidized housing.

OP bypasses the fact that the UC Berkeley report emphasizes that buildings where the *vast majority* of units are affordable help effectively mitigate displacement, a much different scenario that is being discussed in this case at 1617 U Street NW. Here at 1617 U Street, OP is relying on IZ, IZ Plus, and District law 10-801 to govern affordability, requiring that, after rezoning, 30% of any new units built should be set aside as "affordable." This is by far a much smaller ratio than the 100% affordable buildings or even majority of units set as affordable described by the UC Berkeley report.

OP also never acknowledges reference to subsections of DC Law 10-801 that authorizes the city to reduce the required affordable units even further to make up financing for other public

services, like the alleged return of the police and fire stations and possibly a library. *See* DC Code § 10–801 (b-3) at (4) & (6).

By law there could be even less affordable units built at 1617 U Street than the 30% OP erroneously suggests as enough to mitigate displacement. More than 70% of the units built at the site could likely be market-rate.

We Know DC’s Market-Rate Housing Is Wildly Unaffordable, But So Too Are the IZ Units

As demonstrated above, OP’s proposed rezoning at 1617 U Street will likely result in new construction composed of mostly market-rate units that will not meet the housing needs of DC’s mostly black and POC low-income families, resulting in further displacement of these communities. As UC Berkeley’s research confirms, “more market-rate housing construction primarily serves the most affluent.”

Worse yet, as Black Neighbors have shown through written and verbal testimony with experts, not only are the market-rate units set at income levels far out of reach for most Black workers and families, so too are the “affordable” IZ units. *See* [Exhibit No. 699](#).

This means even the required “affordable” units would not mitigate harm to Black families, residents, and businesses in the area around 1617 U Street, NW.

The only way for us to ensure affordable housing on U Street and District-wide is to mandate the implementation of affordable housing tools that go beyond IZ and IZ plus.

Truly Affordable Housing Can Be Guaranteed by the Zoning Commission at 1617 U Street

Upzoning 1617 U Street, NW creates certainty for future developers- but doing so without conditions requiring a set number of low-income units leaves the community in limbo.

The small number of ‘affordable’ units offered through IZ, IZ Plus, and even the statute governing the disposition of public land (and all its affordability exemptions) do not offer enough deeply affordable housing to address past and present harms of displacement that impact Black and brown low-income communities.

Our demand for far greater affordability requirements needed to offset and end displacement is echoed in the UC Berkeley report yet not mentioned in OP’s post-hearing supplemental report. The UC Berkeley report calls for ***“bolder initiatives that substantially expand social housing.”***

Going beyond IZ and requirements under 10-801, [Social Housing](#) requires 60% to 70% affordable units with at least 30% of those units being affordable to extremely low-income households. Moreover, low-income tenants never pay more than 30% of their income on housing costs. As our party experts pointed out in previously submitted testimony, this would allow a household with two parents and three children earning \$46,950 to afford to stay in the Ward One and Ward Two U Street corridor.

As we’ve concluded in prior submissions, ***the Commission can ask OP to work together with the community and collaboratively design a customized special use zone for 1617 U Street that***

requires far more volume of affordable units at far deeper affordability levels and to include substantial family sized units (3+ bedrooms). DCMR 11-K. This will help repair the harms of the past.

Alternatively, the Commission can also choose to allow the DC Council to carry out its public process to determine whether 1617 U Street, NW is surplus and what will be built on it. That is, the Office of Planning should not be asking the Zoning Commission to make this zoning change now, divorced from a specific project, and on public land whose future use is uncertain.

Conclusion

For the aforementioned reasons, the Black Neighbors of 1617 U Street, NW once again implore the Zoning Commission to reject and/or postpone the Office of Planning's proposal to upzone the nearly 2-acres of public land at 1617 U Street, NW and either:

1. Ask OP to amend their application after duly meeting and working with us to forge together a customized special use zone that seeks to implement real affordability at this site to avoid more displacement, or;
2. Allow the City Council process to play out, with consideration that the site could be designated for Social Housing which would offer a much greater benefit to the surrounding community and DC's housing needs overall.

We hope for your careful consideration of these important matters.

Sincerely,

Gregory Adams

Black Neighbors of 1617 U Street, NW